STAFF SUMMARY

This Ordinance updates provisions in the Lake County Code regarding county management positions that have been renamed and county divisions that have been reorganized.

ORDINANCE NO. 2	2011-
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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING CHAPTER 2, ARTICLE IV, SECTION 2-62 OF THE LAKE COUNTY CODE, ENTITLED DEFINITIONS; AMENDING CHAPTER 2, ARTICLE VII, SECTION 2-245 ENTITLED CERTIFICATION AND COMPETITIVE SELECTION; AMENDING CHAPTER 9, ARTICLE II, SECTION 9-13 OF THE LAKE COUNTY CODE ENTITLED TEEN COURT FEES; AMENDING CHAPTER 14, ARTICLE II, NUISANCE ABATEMENT, SECTION 14-53 OF THE LAKE COUNTY CODE ENTITLED DEFINITIONS; AMENDING CHAPTER 16, ARTICLE III, SECTION 16-41 OF THE LAKE COUNTY CODE ENTITLED ADOPT-A-PARK PROGRAM ESTABLISHED; SECTION 16-42 ENTITLED OFFICE OF FACILITIES AND CAPITAL IMPROVEMENTS TO HAVE PRIMARY RESPONSIBILITY: SECTION 16-43 ENTITLED CONDITIONS OF PARTICIPATION: SECTION 16-44 ENTITLED UNUSUAL CIRCUMSTANCES AND SECTION 16-45 ENTITLED PERMIT; AMENDING CHAPTER 21, ARTICLE VI, SECTION 21-161 OF THE LAKE COUNTY CODE ENTITLED ADOPT-A-LAKE PROGRAM ESTABLISHED; SECTION 21-162 ENTITLED DUTIES OF THE ENVIRONMENTAL SERVICES DEPARTMENT; SECTION 21-163 ENTITLED CONDITIONS OF ORGANIZATION OR INDIVIDUAL PARTICIPATION AND SECTION 21-165 ENTITLED PERMIT: PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN **EFFECTIVE DATE**

WHEREAS, over time county management positions have been renamed and county divisions have been reorganized, and

WHEREAS, provisions of the Lake County Code which refer to such positions or divisions need to be corrected so that the correct position title or county division is referenced in a particular Code section.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida as follows:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

<u>Section 2...</u> <u>Amendment</u> Chapter 2, Article IV, Division 1, Section 2-62, Lake County Code, entitled "Definitions", is hereby amended to read as follows:

Sec. 2-62. - Definitions.

The following words, terms and phrases, when used in this division, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) Lobbyist means any person, partnership, corporation or other business entity that receives compensation to lobby on behalf of a principal. Further, lobbyist means an employee of a principal when governmental relations, acting as a governmental liaison, or communicating with governmental agencies is a primary or substantial part of the employee's ongoing job responsibilities. Lobbyist does not mean a county official, county employee or any other person affiliated with the county while acting in his or her official capacity.
- (2) Lobbying means any communication either directly or indirectly, in person, or by any other means, with any county commissioners, department director, division directormanager, employee in the county attorney's office, or employee in the county manager's office which seeks to influence the actions of any county commissioner, advisory board member, or county employee.
- (3) *Person* means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.
- (4) *Principal* means the person, partnership, joint venture, trust, association, corporation, governmental entity, or other entity which has contracted for, employed, retained or otherwise engaged the services of a lobbyist.
- (5) Compensation means any payment received or to be received by a lobbyist for the performance of lobbyist activities. The compensation may be a fee, salary, retainer, forbearance, forgiveness or any combination thereof.
- <u>Section 3.</u> <u>Amendment.</u> Chapter 2, Article VII, Division 1, Section 2-245, Lake County Code, entitled "Certification and Competitive Selection" is hereby amended to read as follows:

Sec. 2-245. - Certification and competitive selection.

- (a) For each design-build project there shall be a certification and selection committee.
 - (1) For each habitable structure project whose total cost is reasonably estimated to be fifty thousand dollars (\$50,000.00) or less, the certification and selection committee shall be comprised of the capital improvements director, and any other person or persons which he or she may designate appointed by the County Manager or designee. The capital improvements director may also serve as a committee of one (1).
 - (2) For each habitable structure project the total cost of which is reasonably estimated to be in excess of fifty thousand dollars (\$50,000.00), the certification and selection committee

shall be comprised of the following members:

- a. A member of the board of county commissioners appointed by the chairman;
- b. The capital improvements County Manager-director, or a designee;
- c. The building official, or a designee;
- d. The county engineer, or a designee;
- e. A representative of the user department for which the project will be constructed;
- f. And other members as may be appointed by the county manager.
- (3) For each project not involving construction of a habitable structure, the total cost of which is reasonably estimated to be fifty thousand dollars (\$50,000.00) or less, the certification and selection committee shall be comprised of the executive director of public works, and any other person or persons which he or she may designate. The executive director of public works may also serve as a committee of one (1).
- (4) For each project not involving construction of a habitable structure the total cost of which reasonably estimated to be in excess of fifty thousand dollars (\$50,000.00), the certification and selection committee shall be comprised of the following members:
 - a. A member of the board of county commissioners appointed by the chairman;
 - b. The executive director of public works, or a designee;
 - c. The county engineer, or a designee;
 - d. The chief construction inspector, or a designee;
 - e. A representative of the user department for which the project will be constructed;
 - f. And other members as may be appointed by the county manager.

Once the certification and selection committee is established, it shall serve throughout the selection process for a project until the selection process is concluded. The committee may be assisted by the design criteria professional for the project in an advisory capacity.

- (b) The certification and selection committee shall determine the relative ability of each design-build firm to perform the services required for the project. Determination of ability shall be based on the design-build firm's staff training and experience, firm experience, location, volume of past contracts with the county, financial capacity, past performance and current and projected workload. In making its determination, the committee shall interview no less than three (3) firms to determine each firm's ability to provide services and each firm's commitment to meet time and budget requirements.
- (c) The certification and selection committee shall select no less than three (3) firms deemed to be most highly qualified to perform the required services, after considering the factors recited in this section. Each of these firms will be eligible for consideration in accordance with competitive

bidding procedures for design-build service. The committee shall report its selection of three (3) finalists to the county manager for his or her review.

<u>Section 4.</u> <u>Amendment...</u> Chapter 9, Article II, Section 9-13, Lake County Code, entitled "Teen Court Fees" is hereby amended to read as follows:

Sec. 9-13. - Teen court fees.

1. User fees.

- (a) *Purpose*. This section is enacted for the purpose of establishing a user fee for the operation and administration of Lake County's Teen Court Program and to disburse the monies collected.
- (b) Teen court user fee. Upon the institution of any teen court proceeding in Lake County there shall be paid by the party or parties instituting such proceeding, a user fee of fifty dollars (\$50.00) for the operation and administration thereof. However, the teen court coordinator County Manager or designee may waive the user fee if same is found to cause an undue hardship on the party or parties. When determining whether to waive the user fee, the teen court coordinator County Manager or designee shall follow the Guidelines for Determining Entitlement to Insolvency Benefits Pursuant to Florida Statute 57.081 promulgated by Administrative Order of the Chief Judge of the Fifth Judicial Circuit.
- (c) Responsibilities of the clerk of the courts. The fifty dollar (\$50.00) user fee shall be kept in a separate designated account by the clerk of the courts. Such funds shall be used by the clerk exclusively for the operation and administration of the Lake County's Teen Court Program. The clerk shall also receive and deposit in the designated account such other monies as become available for operating and administering teen courts under provisions of Florida law. Such other monies shall also be used by the clerk exclusively for the operation and administration of the teen court program. The clerk shall, by October 30 annually, in a written report to the Board of County Commissioners, account for all funds that have been deposited into the designated account by September 30 of that year.
- (d) User fee cumulative to other service charges. Unless otherwise provided by general or special law, all amounts set forth in this section shall be in addition to any other service charges or fees provided by general or special law or other provisions of this Code.

2. Teen court funding.

- (a) Pursuant to F.S. § 938.19, an additional court cost of three dollars (\$3.00) shall be imposed by the court when a person pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, or adjudicated delinquent for a violation of a criminal law, a delinquent act or a municipal or county ordinance, or who pays a fine or civil penalty for any violation of F.S. Ch. 316. Any person whose adjudication is withheld under F.S. § 318.14(9) or § 318.14(10) shall also be assessed the cost.
- (b) The assessment for court costs shall be assessed in addition to any fine or civil penalty or other court cost and may not be deducted from the proceeds of that portion of any fine or civil penalty that is received by a municipality in the county or by the county in accordance

with F.S. §§ 316.660 and 318.21. The assessment shall be specifically added to any civil penalty paid for a violation of Chapter 316, regardless of whether the penalty is paid by mail, paid in person without a request for a hearing, or paid after a hearing and determination by the court. However, the assessment may not be made against a person for a violation of any state law or municipal or county ordinance relating to the parking of vehicles, with the exception of a violation of the handicapped parking laws.

- i. The clerk of the circuit court shall collect the assessments for court costs established in this section and shall remit the assessments to the teen court monthly.
- ii. The clerk of the circuit court shall withhold five (5) percent of the assessments collected, which shall be retained as fee income of the office of the clerk of the circuit court.
- (c) A teen court must account for all funds received under this section in a written report to the board of county commissioners. The report must be given to the commissioners by August 1 of each year or by a date required by the commissioners.
- (d) A teen court may be administered by a nonprofit organization, a law enforcement agency, the court administrator, the clerk of the court, or another similar agency authorized by the board of county commissioners.
- (e) A teen court funded under this section may not receive court costs collected under F.S. § 939.185(1)(a)4, and section 9-16 of this Code.

<u>Section 5.</u> <u>Amendment.</u> Chapter 14, Article II, Nuisance Abatement, Section 14-53, Lake County Code, entitled "Definitions" is hereby amended to read as follows:

Sec. 14-53. - Definitions.

For the purposes of this article, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise:

Director means Director means any person employed or appointed as the supervisor of the Lake County Code Enforcement Division the Code Enforcement Division

Division means the Lake County Code Enforcement Division.

General agricultural means those establishments for the keeping, grazing or feeding of livestock and animals; feedlots; croplands; aquaculture; silviculture; apiaries; honey extracting; and buildings which are an accessory to these agricultural uses. This category of uses does not include processing or distribution plants for agricultural products and supplies when not an accessory use in conjunction with the agricultural operation.

Improved lot means any lot as defined below which contains a principal structure as defined in Lake County Land Development Regulations, Chapter II, Definitions, or that has been cleared of existing vegetation for the purposes of constructing a principal structure sometime in the future.

Lot means any tract or parcel of land one (1) acre or less in size which is located within the unincorporated area of Lake County. The word "lot" includes the words "plat," "parcel" and

"tract."

Non-intensive agriculture means the milking, feeding or sheltering of farm animals or growing of supplemental food supplies for the domestic, noncommercial use of the families living on the land.

Nuisance weeds means to include, but not be limited to, all rank vegetable growth which exhales unpleasant or noxious odors, or which constitutes a possible source of disease or is detrimental to human beings, or such untended vegetable growth that may conceal pools of water, trash or any other deposits which are detrimental to the health, safety and welfare of the public.

Officer means a code enforcement officer assigned to the division.

Special master means the Lake County Code Enforcement Special Master as set forth in Chapter 8, Lake County Code.

Unimproved lot means any uplands lot in its natural state.

Uplands means those non-wetland, non-aquatic areas not subject to regular flooding, including but not limited to the following natural upland communities: palmetto prairie, sand pine, longleaf pine/xeric oak, live oak, temperate hardwood, pine flatwood.

Section 6. Amendment. Chapter 16, Article III, Adopt-A-Park Program, Section 16-41, Lake County Code, entitled "Adopt-a-Park Program Established" is hereby amended to read as follows:

Sec. 16-41. - Adopt-a-park program established.

There is hereby established the Lake County Adopt-a-Park Program. The adopt-a-park program shall be administered by the senior director of the office of facilities and capital improvements or a designee under the supervision of the Ceounty Mmanager or designee. The purpose of the adopt-a-park program shall be to involve the public in an effort to keep Lake County parks free of litter by enlisting civic-minded volunteer organizations and individuals to adopt a Lake County park. Through adoption of a county park, an organization shall have the responsibility for picking up any litter which may accumulate within that county park.

Section 7. Amendment. Chapter 16, Article III, Adopt-A-Park Program, Section 16-42, Lake County Code, entitled "Office of Facilities and Capital Improvements to have Primary Responsibility" is hereby amended to read as follows:

Sec. 16-42. - Office of facilities and capital improvements to have primary responsibility. Administration of Adopt-A-Park Program.

The Lake County office of facilities and capital improvements County Manager or designee shall, through the senior director of the office of facilities and capital improvements or a designee, have responsibility for the administration, coordination, permitting, and record keeping activities associated with the adopt-a-park program. The senior director of the office of facilities and capital improvements County Manager or a designee shall:

(1) Explain the adopt-a-park program to interested organizations or individuals.

- (2) Issue permits to qualifying adopting organizations or individuals.
- (3) Schedule the litter removal to be accomplished by the adopting organization or individual, consistent with the provisions of this article, and the rules and regulations of the adopt-a-park program, which may be promulgated by the board of county commissioners.
- (4) Schedule pickup of bagged litter by Lake County personnel.
- (5) Provide approved trash bags and safety literature to organizations or individual members.
- (6) Provide and erect an adopt-a-park sign at each adopted county park. Each adopt-a-park sign shall display the permitted organization or individual's name or acronym. Permitted organizations or individuals which are sponsored by businesses may have the name of the business displayed on the sign in block letter, but no business logo or trademark shall be displayed.
- (7) Provide analysis and reports to the county manager and the board of county commissioners as required.
- Section 8. Amendment. Chapter 16, Article III, Adopt-A-Park Program, Section 16-43, Lake County Code, entitled "Conditions of Participation" is hereby amended to read as follows:

Sec. 16-43. - Conditions of participation.

The senior director of the office of facilities and capital improvements County Manager or designee shall ensure that organizations or individuals participating in the adopt-a-park program shall abide by the following conditions:

- (1) Any Lake County community organization or individual, such as a civic, social, or school organization or individual, as well as businesses, and individuals eighteen (18) years of age or older, may be issued a permit by the senior director of the office of facilities and capital improvements or a designee to adopt a park. Participants shall have approved permit applications on file with the senior director of the office of facilities and capital improvements prior to issuance of a permit, and prior to participation in any cleanup effort. The senior director of the office of facilities and capital improvements or a designee shall assist the permitted organization or individual in the selection of the county park to be adopted.
- (2) The members of any participating organization or an individual shall obey and abide by all laws, ordinances and regulations relating to safety and other matters as may be required by the senior director of the office of facilities and capital improvements. The senior director of the office of facilities and capital improvements or a designee shall have authority to require adherence to special regulations in relation to county parks which may offer unusual problems or safety.
- (3) The permitted organization or individual shall be responsible for furnishing adequate supervision by one (1) or more adults for participants who are fifteen (15) years of age or

younger.

- (4) Each permitted organization or individual shall conduct at least one (1) safety meeting per year.
- (5) Participants who are sponsored by permitted organizations or individuals shall be required to attend a safety meeting conducted by the permitted organization or individual before participating in the cleanup of the adopted park.
- (6) Each permitted organization or individual shall adopt one (1) county park for a minimum period of two (2) years.
- (7) Each permitted organization or individual shall pick up litter a minimum of twelve (12) times each year, with the year measured from the date the permit is issued. The senior director of the office of facilities and capital improvements or a designee may require a greater number of minimum pickups based upon the location and volume of litter on a county park. The senior director of the office of facilities and capital improvements or a designee may grant an exception to the minimum number of pickups where fewer litter pickups are necessary in order to maintain cleanliness.
- (8) Each permitted organization or individual shall obtain supplies and materials from the office of facilities and capital improvements at a designated location during regular business hours.
- (9) Participants shall not possess or consume alcoholic beverages while participating in the litter pickup.
- (10) Each permitted organization or individual shall ensure that a first-aid kit and adequate drinking water are available to participants during litter pickup.
- (11) Each permitted organization or individual shall ensure that litter collected is placed in trash bags furnished by the office of facilities and capital improvements to be collected by and disposed of by the office of facilities and capital improvements.
- (12) No permitted organization or individual shall subcontract or assign its duties to any other organization or individual. Each permitted organization or individual shall act as an independent contractor in picking up litter, and shall not be subject to the control of the office of facilities and capital improvements, provided that the provisions of this chapter are complied with.
- (13) Each permitted organization shall elect a chairperson to represent the organization in the conduct of its affairs with the office of facilities and capital improvements. An individual shall designate a person to represent himself or herself.
- Section 9. <u>Amendment.</u> Chapter 16, Article III, Adopt-A-Park Program, Section 16-44, Lake County Code, entitled "Unusual Circumstances" is hereby amended to read as follows:

Sec. 16-44. - Unusual circumstances.

Once a county park has been adopted by a permitted organization or individual pursuant to the terms of this chapter, the <u>office of facilities and capital improvementsCounty</u> shall be responsible only for removing litter from the adopted county park under unusual circumstances, such as to remove large, heavy, or hazardous items.

<u>Section 10.</u> <u>Amendment.</u> Chapter 16, Article III, Adopt-A-Park Program, Section 16-45, Lake County Code, entitled "Permit" is hereby amended to read as follows

Sec. 16-45. - Permit.

The senior director of the office of facilities and capital improvements County Manager or designee shall be authorized to issue adopt-a-parks permits after a complete application has been submitted and approved. The form of the permit shall be developed by the senior director of the office of facilities and capital improvements County Manager or designee.

Section 11. Amendment. Chapter 21, Article VI, Adopt-A-Lake Program, Section 21-161, Lake County Code, entitled "Adopt-a-Lake Program Established" is hereby amended to read as follows

Sec. 21-161. - Adopt-a-Lake program established.

There is hereby established the Lake County Adopt-a-Lake Program. The Adopt-a-Lake Program shall be administered by the director of the environmental services department County Manager or a designee under the supervision of the county manager. The purpose of the Adopt-a-Lake Program shall be to involve the public in an effort to preserve and enhance the county's lakes through water quality monitoring, public education and pollution prevention by enlisting civic-minded volunteer organizations, businesses and individuals to adopt a Lake County lake.

<u>Section 12.</u> <u>Amendment.</u> Chapter 21, Article VI, Adopt-A-Lake Program, Section 21-162, Lake County Code, entitled "Duties of the Environmental Services Department" is hereby amended to read as follows

Sec. 21-162. - Duties of the environmental services department.

The <u>County Manager or designee</u> Lake County Environmental Services Department shall, through the director of the environmental services department or a designee, have responsibility for the administration, coordination and record keeping activities associated with the Adopta-Lake Program. The <u>County Manager or designee</u> director of the environmental services department or designee shall:

- (1) Explain the Adopt-a-Lake program to interested organizations or individuals.
- (2) Issue permits to qualifying adopting organizations or individuals.
- (3) Provide approved trash bags and safety literature to organizations or individual members.
- (4) Arrange for training of organizations or individual members for the water quality and

education portions of the program.

- (5) Provide and erect an Adopt-a-Lake sign at the adopted lake. Each Adopt-a-Lake sign shall display the permitted organization or individual's name or acronym. Permitted organizations or individuals which are sponsored by businesses may have the name of the business displayed on the sign, but no business logo or trademark shall be displayed.
- (6) Provide analysis and reports to the county manager and the board of county commissioners as required.

Section 13. Amendment. Chapter 21, Article VI, Adopt-A-Lake Program, Section 21-163, Lake County Code, entitled "Conditions of Organization or Individual Participation" is hereby amended to read as follows

Sec. 21-163. - Conditions of organization or individual participation.

The director of the environmental services department County Manager or designee shall ensure that organizations or individuals participating in the Adopt-a-Lake Program shall abide by the following conditions:

- (1) Any organization or individual, such as a civic, social, or school organization or individual, as well as businesses, and individuals eighteen (18) years of age or older, may be issued a permit by the director of the environmental services department or a designee to adopt a lake. Participants shall have approved permit applications on file with the director of the environmental services department prior to issuance of a permit, and prior to participation in any activities for the Adopt-a-Lake Program. The director of the environmental services department County Manager or designee shall assist the permitted organization or individual in the selection of the lake or portion of the lake to be adopted.
- (2) The members of any participating organization or an individual shall obey and abide by all laws, ordinances and regulations relating to safety and other matters as may be required by the director of the environmental services department. The director of the environmental services department. The director of the environmental services department or a designee shall have authority to require adherence to special regulations in relation to lakes which may offer unusual problems or safety.
- (3) The permitted organization or individual shall be responsible for furnishing adequate supervision by one (1) or more adults for participants who are fifteen (15) years of age or younger.
- (4) Each permitted organization or individual shall conduct at least one (1) safety meeting per year.
- (5) Participants who are sponsored by permitted organizations or individuals shall be required to attend a safety meeting conducted by the permitted organization or individual before participating in an Adopt-a-Lake Program activity.
- (6) Each permitted organization or individual shall adopt one (1) lake or one (1) area of a lake for a minimum period of two (2) years.

- (7) Each permitted organization or individual shall either: perform water quality monitoring a minimum of four (4) times each year (once per calendar quarter), and/or perform litter collection a minimum of twelve (12) times each year (once per month) and/or participate in educational events a minimum of two (2) times each year. The director of the environmental services department or designee may grant an exception to the minimum number of the above activities where a lesser number would meet the program objectives.
- (8) Each permitted organization or individual shall obtain supplies and/or materials from the environmental services department at a designated location during regular business hours.
- (9) Participants shall not possess or consume alcoholic beverages while participating in any Adopt-a-Lake activity.
- (10) Each permitted organization or individual shall ensure that a first-aid kit and adequate drinking water are available to participants during litter pickup.
- (11) Each permitted organization or individual shall ensure that litter collected is placed in trash bags and disposed of in their normal household garbage pickup.
- (12) No permitted organization of individual shall subcontract or assign its duties to any other organization or individual. Each permitted organization or individual shall act as an independent contractor in picking up litter, and shall not be subject to the control of the environmental services department, provided that the provisions of this chapter are complied with.
- (13) Each permitted organization shall select a chairperson to represent the organization in the conduct of it affairs with the environmental services department. An individual shall designate a person to represent himself or herself.
- <u>Section 14.</u> <u>Amendment.</u> Chapter 21, Article VI, Adopt-A-Lake Program, Section 21-165, Lake County Code, entitled "Permit" is hereby amended to read as follows

Sec. 21-165. - Permit.

The director of the environmental services departmentCounty Manager or designee shall be authorized to issue Adopt-a-Lake permits after a complete application has been submitted and approved. The form of the permit shall be developed by the director of the environmental services department or designee.

- Section 15. Severability. If any section, sentence, clause, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance.
- Section 16. <u>Inclusion in the Code.</u> It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 17. Filing with the Department of State. The clerk shall be and is hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the State of Florida.	
Section 18. Effective Date. for by law.	This Ordinance shall become effective as provided
Enacted this day of	, 2011.
Filed with the Secretary of State	, 2011.
Effective	, 2011.
ATTEST:	BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA
Neil Kelly, Clerk of the Board of County Commissioners of Lake County, Florida	Jennifer Hill, Chairman
	This day of, 2011.
Approved as to form and legality:	
Sanford A. Minkoff County Attorney	